

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DALE BARNES,

Plaintiff,

v.

CASE NO. 10-cv-12501
HON. ROBERT H. CLELAND
MAG. JUDGE MARK A. RANDON

Melvindale Police D/Lt. CHAD HAYSE,
Melvindale Police Ofc. MIKE WELCH,
Melvindale Police Lt. DAVE BOWERMAN,
Melvindale Police Ofc. JOHN ALLEN,
Melvindale Police Sgt. MILLER,
Melvindale Chief of Police RICK CADEZ and
THE CITY OF MELVINDALE, a Municipal Corporation,

Defendants.

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PROTECTIVE ORDER REGARDING JAIL INSPECTION/PHOTOGRAPHS

At a session of said Court, held in the Federal
Courthouse for the United States District Court,
Eastern District of Michigan, Southern Division, on:
February 7, 2011

**PRESENT: THE HON. ROBERT H. CLELAND
U.S. District Court Judge**

IT IS HEREBY ORDERED that any and all photographs, videotapes, recordings of any type or media, or diagrams/drawings/sketches, or depictions of any kind, of the Melvindale Police Department and/or its detention center/jail/booking area/interrogation rooms which are derived from the scheduled inspection of same by Plaintiff and/or his counsel shall be subject to the following protective conditions:

1. The parties hereby recognize that the any and all photographs, videotapes, recordings of any type or media, or diagrams/drawings/sketches, or depictions of any kind, of the Melvindale Police Department and/or its detention center/jail/booking area/interrogation rooms are confidential in nature and may impact the safety and/or security of the members of the Melvindale Police Department and/or the public and thus, the dissemination of said materials is expressly prohibited.

2. These stated materials shall be used solely and exclusively for purposes of this lawsuit. Such information/materials shall not be used in or for other cases, proceedings or disputes, or for any municipal, commercial, business, competitive or any other purpose whatsoever.

3. The aforementioned materials may not be disclosed to any person other than parties, counsel of record for the respective parties to this litigation, the paralegal and clerical staff of same, expert witnesses or consultants engaged by counsel, and the court and court personnel, under such safeguards as the court may direct so as to preserve and to protect the confidentiality of information / materials referenced herein.

4. All the persons to whom this confidential information and/or materials are disclosed are hereby enjoined from using the same except for preparation for trial and in the trial of this action (under such safeguards as the court may require) and from disclosing the same to any other person except as provided herein. A breach of the provisions of this Order shall be

subject to appropriate sanctions, in the discretion of the court, as authorized by any statute, rule or the inherent power of the court, or as otherwise provided by law.

5. The provisions of this Order shall survive and remain in full force and effect after the entry of final judgment (including any appellate proceedings) in this case, whether by settlement or litigation.

6. The agreement of the parties embodied in this Order does not constitute an admission or agreement that any document or information is admissible as evidence in this case. Designation of any information/materials as subject to this Order shall have no meaning or effect whatsoever with respect to the substantive issues in this proceeding or the claim or defenses of any party hereto.

7. At the conclusion of the litigation, all stated documents / materials shall be returned to the Defendant, City of Melvindale and any discs/reproductions will be destroyed.

IT IS SO ORDERED.

Dated: 2/7/11

s/Robert H. Cleland
U.S. DISTRICT COURT JUDGE

APPROVED AS TO FORM AND CONTENT:

By: /s/David A. Robinson (w/consent)
DAVID A. ROBINSON (P38754)
RACINE M. MILLER (P72612)
Attorneys for Plaintiff

By: /s/Audrey J. Forbush
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